



Legislative Bulletin.....December 5, 2001

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H.Con.Res. 242—Recognizing Radio Free Europe/Radio Liberty's success in promoting democracy and its continuing contribution to United States national interests (Hyde)

Order of Business: The resolution is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 242 would resolve that Congress:

- “congratulates the editors, journalists, and managers of Radio Free Europe/Radio Liberty on a half century of effort in promoting democratic values, and particularly their contribution to promoting freedom of the press and freedom of expression in areas of the world where such liberties have been denied or are not yet fully institutionalized;” and
- “recognizes the major contribution of Radio Free Europe/Radio Liberty to the growth of democracy throughout the world and its continuing efforts to advance the vital national interests of the United States in building a world community that is more peaceful, democratic, free, and stable.”

Additional Background: According to the resolution, Radio Free Europe/Radio Liberty began operations over 50 years ago, initially aimed at Eastern Europe and the Soviet Union, with a mission to “promote democratic values and institutions by disseminating factual information and ideas.”

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H. R. 3348—To designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center (Hyde)

Order of Business: The bill is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary: The bill renames the National Foreign Affairs Training Center after President Reagan’s Secretary of State George P. Shultz.

Cost to Taxpayers: A CBO estimate is unavailable and the bill authorizes no expenditures.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Sheila Moloney x6-9719

H.Con.Res. 102—Hunger to Harvest Resolution: A Decade of Concern for Africa (Leach)

Order of Business: The resolution is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 102 would resolve a sense of Congress that:

- “a moral people cannot tolerate the existence of hunger, poverty, and disease in any part of the world;”
- the U.S. should commit to increased levels of “effective, poverty-focused development assistance” to sub-Saharan Africa;
- the President should work with other countries and non-governmental organizations to increase development assistance for sub-Saharan Africa and ensure that such assistance is actually used to reduce hunger and poverty;
- Congress should undertake a multi-year commitment with other donors to provide the resources necessary to cut hunger by one-half in sub-Saharan Africa, with funding directed toward health, education, agriculture, “micro-finance development,” and debt relief
- “such funding should support both bilateral and multilateral poverty-focused development efforts in sub-Saharan Africa, including efforts by nongovernmental and private voluntary organizations, **including faith-based institutions;**” and
- the Administrator of the United States Agency for International Development should submit annual reports to Congress on progress made on such efforts to reduce hunger in sub-Saharan Africa.

The resolution would also state that:

- **“If the United States were to shoulder one-fourth of the aid burden--approximately \$1,000,000,000 a year--the obligation of America would amount to a penny per day per citizen;”**
- “Sustainable development and poverty reduction in sub-Saharan Africa cannot occur without additional public and private sector investment;” and
- “The right to life, liberty, and the pursuit of happiness should not be denied to people simply because they live on an impoverished continent.”

Additional Background: According to the resolution:

- “33 of the world's 41 poorest debtor countries are in sub-Saharan Africa, and approximately 291,000,000 individuals in sub-Saharan Africa, nearly half of sub-Saharan Africa's total population, currently live in extreme poverty on less than \$1 a day;”
- one of every seven children in sub-Saharan Africa dies before his or her fifth birthday, and one-half of these deaths are due to malnutrition;
- “sub-Saharan Africa is home to 70 percent of adults and 80 percent of children living with the HIV virus, and to three-quarters of the people worldwide who have died of AIDS since the epidemic began;” and
- “notwithstanding sub-Saharan Africa's enormous development challenges, United States companies hold approximately \$15,000,000,000 in investments in sub-Saharan Africa, greater than United States investments in either the Middle East or Eastern Europe, and total United States trade with sub-Saharan Africa currently exceeds that with all of the independent states of the former Soviet Union, including the Russian Federation.”

Cost to Taxpayers: Though the resolution would call for increased federal government spending for poverty-relief in sub-Saharan Africa, it would not actually authorize such funding.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.Res. 298—Expressing the sense of the House of Representatives that Veterans Day should continue to be observed on November 11 and separate from any other federal holiday or day for federal elections or national observances (Terry)

Order of Business: The resolution is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 298 would express a sense of the House that Veterans Day should continue to be observed on November 11 and separate from any other federal holiday or day for federal elections or national observances.

The resolution would also state that “maintaining Veterans Day as a legal public holiday separate from all other federal holidays and days for elections or national observances is the least that a grateful nation should do in recognition of its veterans.”

Additional Background: In August 2001, the National Commission on Federal Election Reform (the “Ford-Carter Commission”) recommended combining Veterans Day with Election Day in even years. Rep. Sheila Jackson-Lee (D-TX) has introduced a bill (H.R. 62) to move Veterans Day to Election Day in presidential-election years.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 3322—Bear River Migratory Bird Refuge Visitor Center Act (Hansen)

Order of Business: The bill is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3322 would authorize **\$11.0 million** for the Secretary of the Interior to construct the Education and Administrative Center at the Bear River Migratory Bird Refuge in Box Elder County, Utah. The bill would authorize the Secretary to accept donations of funds and services from nonprofit organizations, state and local governments, and private citizens for the construction of the Center. But, the Secretary would be prohibited from requiring matching funds or contributions in kind with a combined total value of more than \$1.5 million for construction.

Additional Background: In 1928, Congress created the Bear River Migratory Bird Refuge as one of the first national wildlife refuges. According to the bill, the Bear River marshes have been a “historical waterfowl oasis and an important inland waterfowl flyway for thousands of years.” Further, “the creation of [an education and administrative center] would significantly enhance public appreciation of waterfowl and the need to preserve waterfowl habitat.”

Cost to Taxpayers: The bill would authorize appropriations of \$11.0 million to construct the new Center.

Does the Bill Create New Federal Programs or Rules?: It would authorize the construction of an education and administrative center on the grounds of a pre-existing national wildlife refuge.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H. R. 2238— To authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes (Rogers, Hal)

Order of Business: The bill will be considered under suspension of the rules on Tuesday, November 6, 2001.

Summary: The bill would authorize the Interior Secretary to purchase 4,500 acres in Middlesboro, Kentucky, comprised of Lake Fern, and its surrounding watershed. The land, which is inside the 20,000-acre Cumberland Gap National Historical Park (that straddles the state lines of Kentucky, Tennessee and Virginia) is currently privately owned. According to *National Journal*, Rep. Rogers, R-Ky. said the purchase would block developers and preserve scenic vistas.

The Secretary may acquire lands by donation, purchase with donated or appropriated funds, or exchange, but “only with the consent of the owner.” Under current law, water from federal lands may not be sold, but since Lake Fern is the primary water supply for Middlesboro, H.R. 2238 would essentially grandfather in the water sale and stipulate that “proceeds from the sale of the water shall be available for expenditure by the Secretary at the park without further appropriation.”

Cost to Taxpayers: No CBO estimate is available, and there is no amount authorized in the introduced bill.

Constitutional Authority A Committee Report citing Constitutional Authority is unavailable.

Does the Bill Create New Federal Programs or Rules: YES, the bill would authorize the Interior Secretary to add an additional 4,500 acres to federal lands.

RSC Note: Last year’s cost estimates of the maintenance backlog for federally owned properties, including the national park system, ranged anywhere from \$8 to \$15 billion.

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H. R. 2115— To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington. (*Smith, Adam*)

Order of Business: The bill will be considered under suspension of the rules on Tuesday, November 6, 2001.

Summary: H.R. 2115 would authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater in the Lakehaven Utility District, Washington. According to the Committee, the Bureau of Reclamation currently has a list of 25 specifically authorized projects under Title XVI of the Reclamation Wastewater and Groundwater Study and Facilities Act, this would increase the list to 26. Lakehaven has two secondary wastewater treatment plants currently discharging over six million gallons of water a day into Puget Sound. The project would consist of the construction of additional treatment systems at the District's two wastewater treatment plants and the construction of transmission and distribution pipeline systems to transport water to reuse areas, where facilities will be developed to direct the water to the aquifer. This would be done through injection wells, sub-surface infiltration galleries and land applications in areas that are currently wetland restoration project areas.

Cost to Taxpayers: CBO estimates that implementing H.R. 2115 would cost \$8 million over the 2002-2006 period, subject to appropriation. According to the Committee, the total cost for these facilities is estimated to be \$38 million, though the bill stipulates that the federal cost shall not exceed 25% of the total cost and that the Secretary shall *not* provide funds for the operation and maintenance of the project.

Constitutional Authority The Committee (In Report no. 107-302) finds authority under article I, section 8 of the Constitution (Powers of Congress) but does not specify a clause.

Does the Bill Create New Federal Programs or Rules: YES, the bill would make a local water project in Washington a partially federally funded and constructed project.

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H.R. 2538—Native American Small Business Development Act (*Udall, Tom*)

Order of Business: The bill is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary, as amended: H.R. 2538 would authorize **\$21.0 million** of additional grants for existing Small Business Development Centers (SBDCs) to assist with outreach, development, and enhancement of small business startups and expansions that are owned by Indian tribe members, Alaska Natives, or Native Hawaiians and that are located in Alaska, Hawaii, or on Indian lands in the remaining eligible states.

A state would only be eligible if its combined population of Indian tribe members, Alaska natives, and Hawaiian natives is at least 1% of the state's total population. States receiving such grants would have to consult with the governing bodies of Indian tribes, certain Alaska native entities, and certain Hawaiian native entities.

The bill would authorize \$7.0 million for each of fiscal years 2002, 2003, and 2004 for such grants. No Small Business Development Center could receive more than \$300,000 in grants in a single fiscal year.

Additional Background: The Small Business Development Center program provides grants for small business counseling and technical assistance at over 1000 centers nationwide to help start-ups, reduce business failures, and increase business expansions. SBDCs are jointly funded by the private sector, schools, and federal, state, and local governments to provide management assistance to current and prospective small business owners. H.R. 2538 would create an additional SBDC grant stream specifically for Indian and Alaska/Hawaii native businesses.

Cost to Taxpayers: The bill would authorize \$7.0 million for each of fiscal years 2002, 2003, and 2004 (**\$21 million total**) for new grants to Small Business Development Centers to assist businesses owned by Indians, native Alaskans and native Hawaiians. CBO reported no additional costs in the legislation.

Does the Bill Create New Federal Programs or Rules?: H.R. 2538 would authorize new grants within a pre-existing grant program.

Constitutional Authority: The Committee on Small Business (in House Report 107-211) cites constitutional authority in Article I, Section 8, Clause 18 (the congressional power to make all laws that are "necessary and proper").

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H.Con.Res. 232—Expressing the sense of the Congress in honoring the crew and passengers of United Airlines Flight 93 (Fletcher)

Order of Business: The resolution is scheduled to be considered on Wednesday, December 5th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res 232 would resolve a sense of Congress that:

- on September 11, 2001, the passengers and crew of hijacked United Airlines Flight 93 possibly averted the use of that aircraft in a further terrorist attack on the United States by attempting to overpower the hijackers;
- the United States owes its deepest gratitude to the passengers and crew of Flight 93 [individually named in the resolution], and extends its condolences to their families and friends; and
- a memorial plaque to these victims should be placed on the grounds of the Capitol, and a copy of the wording of the plaque, together with a copy of this resolution from the Congressional Record, should be sent to a designated survivor of each victim.

The resolution would also state that:

- while Flight 93 was still in the air, passengers and crew, through cellular phone conversations with loved ones on the ground, learned that other hijacked airplanes had been used in these attacks;
- during these phone conversations several of the passengers indicated that there was an agreement among the passengers and crew to try to overpower the hijackers who had taken over the aircraft;
- it is believed that it was this effort to overpower the hijackers that caused Flight 93 to crash in southwestern Pennsylvania, short of what is believed to have been its intended target: Washington, D.C.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.Con.Res. 280—Expressing solidarity with Israel in the fight against terrorism (Hyde)

Order of Business: The resolution is scheduled to be considered on Wednesday, December 5th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 280 would resolve that Congress:

- “condemns the vicious terrorist murders of 26 civilians in Israel within 14 hours during December 1–2, 2001, and extends its deepest sympathies to the Israeli nation and to the families of the victims;”
- “expresses outrage at the ongoing Palestinian terrorist campaign and insists that the Palestinian Authority take all steps necessary to end it;”
- “demands, specifically, that the Palestinian Authority take action immediately to:
 - destroy the infrastructure of Palestinian terrorist groups
 - pursue and arrest terrorists whose incarceration has been called for by Israel; and
 - either prosecute such terrorists, provide convicted terrorists with the stiffest possible punishment, and ensure that those convicted remain in custody for the full duration of their sentences; OR render all arrested terrorists to the Government of Israel for prosecution;”
- urges the President to suspend all relations with Yasir Arafat and the Palestinian Authority if they fail to take the actions described above;
- “further urges the President to insist that all countries harboring, materially supporting, or acquiescing in the private support of Palestinian terrorist groups, end all such support, dismantle the infrastructure of such groups, and bring all terrorists within its borders to justice;” and
- “expresses the solidarity of the United States with Israel in our common struggle against the scourge of terrorism.”

Additional Background: The resolution would also point out that in addition to the 26 civilians killed by Palestinian terrorist attacks on the first two days of December, 175 Israelis were wounded. Proportionally, these figures would be the equivalent of 1200 deaths and 8000 wounded in the United States.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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